

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., and :
NICE SYSTEMS, LTD. :
: Plaintiffs :
v. : Civil Action No. 06-311-JJF
: WITNESS SYSTEMS, INC. :
: Defendant :
:

ORDER

WHEREAS, on January 17, 2008, Defendant filed a Motion for Reconsideration of the Court's Ruling Excluding the Testimony of C.J. Elias-West (D.I. 321);

WHEREAS, on January 15, 2008, Defendant filed a Sealed Memorandum in Support of Motions to Exclude Evidence (D.I. 318);

WHEREAS, on January 25, 2008, a mistrial was declared in the above-captioned matter (D.I. 344);

NOW THEREFORE, IT IS HEREBY ORDERED that, by virtue of the mistrial:

1. Defendant's Motion for Reconsideration (D.I. 321) is DENIED as moot; and,
2. Any pending motions that Defendant's Sealed Memorandum (D.I. 318) addresses are also DENIED as moot.

June 17, 2008


UNITED STATES DISTRICT JUDGE